

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**FELIX L. SORKIN,**

**Plaintiff,**

**VS.**

**AMSYSCO, INC.,**

**Defendant.**

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**CIVIL ACTION NO. H-04-4182**

**MEMORANDUM AND ORDER**

Pending before the Court is Plaintiff's motion to file an Amended Complaint. Plaintiff seeks to add three<sup>1</sup> new defendants: PTE Strand Co., Inc.; Sergio Dalmau; and Rattan Khosa. Plaintiff asserts that he has recently discovered that PTE Strand and Dalmau are infringing the patent at issue in this suit. He also contends that joinder of Khosa is necessary to foreclose the possibility that Khosa, the 100% shareholder of Defendant Amsysco, has undercapitalized Amsysco, thereby insulating himself from liability for acts committed his corporate alter ego.

This case is already more than fifteen months old. Claim construction has been completed, and trial is scheduled to begin in October. The addition of two new parties completely unfamiliar with this suit would unjustifiably delay its resolution. With regard to Plaintiff's request to join Khosa, the Court notes that Plaintiff has known of Khosa's connection to this case since the Complaint was filed. Moreover, Amsysco has produced evidence that the Hayes companies have agreed to indemnify Amsysco for liability arising from this suit. That agreement allays the Court's concerns about Amsysco's

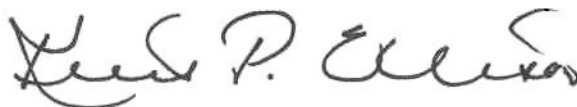
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<sup>1</sup> Plaintiff filed the motion at issue here while a previous motion to amend was pending. That motion has since been denied. The Court accordingly disregards the inclusion, in the Amended Complaint offered here, of the putative defendants whose joinder has already been denied.

ability to satisfy any judgment ultimately rendered against it. Accordingly, Plaintiff's motion to amend his Complaint is hereby **DENIED**.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 20th day of March, 2006.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**